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13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,) No. Cr. S 05-122 GEB
18 Plaintiff,)
19 v.) **STIPULATION AND [lodged] ORDER TO**
20) **REDUCE SENTENCE PURSUANT TO 18**
21) **U.S.C. § 3582(c) (2)**
22 EBONY L. PIPKINS,)
23 Defendant.) **RETROACTIVE CRACK COCAINE REDUCTION**
24) **CASE**
25)
26) Judge: Honorable Garland E.
27) Burrell, Jr.
28

17 Defendant, EBONY L. PIPKINS, by and through her attorney,
18 Assistant Federal Defender David M. Porter, and plaintiff, UNITED
19 STATES OF AMERICA, by and through its counsel, First Assistant U.S.
20 Attorney Phillip A. Talbert, hereby stipulate as follows:

21 1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the
22 term of imprisonment in the case of a defendant who has been sentenced
23 to a term of imprisonment based on a sentencing range that has
24 subsequently been lowered by the Sentencing Commission pursuant to 28
25 U.S.C. § 994(o);

26 2. The sentencing range applicable to Ms. Pipkins was
27 subsequently lowered by the United States Sentencing Commission in
28 Amendment 750;

1 3. Accordingly, Ms. Pipkin's total offense level has been
2 reduced from 31 to 27, the new sentencing range is 100 to 125 months,
3 and the parties agree that an appropriate sentence in
4 light of all the circumstances and taking into consideration the
5 departure she received at the original sentencing would be 67 months;

6 4. Ms. Pipkins merits a reduction in her sentence based on the
7 factors listed in 18 U.S.C. § 3553(a), as well as considerations of
8 public safety and Mr. Pipkin's positive post-sentencing conduct;

9 5. Accordingly, the parties request the court enter the order
10 lodged herewith reducing Ms. Pipkin's term of imprisonment to 67
11 months.

12 Dated: October 26, 2011

13 Respectfully submitted,

14 BENJAMIN WAGNER
15 United States Attorney

16 DANIEL J. BRODERICK
17 Federal Defender

18 _____
19 /s/ Phillip A. Talbert
20 PHILLIP A. TALBERT
21 First Assistant U.S. Attorney
22 Attorney for Plaintiff
23 UNITED STATES OF AMERICA

24 _____
25 /s/ David M. Porter
26 DAVID M. PORTER
27 Assistant Federal Defender
28 Attorney for Movant
 EBONY L. PIPKINS

ORDER

29 This matter came before the Court on the stipulated motion of the
30 parties for reduction of sentence pursuant to 18 U.S.C. § 3582(c) (2).

31 The parties agree, and the Court finds, that Ms. Pipkins is
32 entitled to the benefit of the retroactive amendment reducing crack
33 cocaine penalties, which reduces the applicable offense level from 31
34 to 27.

35 STIPULATION AND ORDER TO REDUCE SENTENCE

1 IT IS HEREBY ORDERED that the term of imprisonment imposed on June
2 11, 2008 is reduced to 67 months.

3 IT IS FURTHER ORDERED that all other terms and provisions of the
4 original judgment remain in effect. The Clerk of the Court shall
5 prepare an Amended Judgment.

6 Unless otherwise ordered, Ms. Pipkins shall report to the United
7 States Probation office closest to the release destination within
8 seventy-two hours after release.

9 Dated: October 27, 2011

10 
11 GARLAND E. BURRELL, JR.
12 United States District Judge

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28 STIPULATION AND ORDER TO REDUCE SENTENCE